
Judiciary Committee

HB 2494

Title: An act relating to end-of-life health care directives.

Brief Description: Requiring the department of health to develop a medical treatment preference form and limiting liability for providers who act in accordance with such forms.

Sponsors: Representatives Moeller, Ormsby and Chase.

Brief Summary of Bill
<ul style="list-style-type: none">• Provides immunity to health care providers and facilities that use and follow a Department of Health medical order form regarding a patient's choices for life-sustaining treatment.• Directs the Department of Health to provide an educational program for users of the medical order form.

Hearing Date: 1/22/08

Staff: Sarah Silbovitz (786-7119) and Trudes Tango (786-7384).

Background:

The Department of Health (Department) was directed to develop a medical order form for emergency medical personnel to follow. The Department created the Physician Orders for Life-Sustaining Treatment (POLST) medical form that satisfies emergency medical personnel need for a physician's order relating to life-sustaining treatment. This medical form, in an easy-to-read format, identifies a person's medical treatment preferences for emergency medical personnel to follow when called to the site of an injury or illness.

Some health care facilities also use this medical order form as a summary of a person's position on life-sustaining treatment until a more in-depth determination of the person's wishes can be made. While health care providers and facilities are immune from legal liability for carrying out advance directives, they do not have the same immunity under the POLST. A POLST is a standardized form that is signed by an individual's physician to direct care treatment and can be signed by a

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legal surrogate; whereas, an advance directive directs the withholding or withdrawal of life-sustaining treatment, and must be signed by the declarer in the presence of two witnesses.

Summary of Bill:

The Department is directed to include on the medical order form clear "resuscitate" and "do not resuscitate" orders along with choices for other medical treatment and care. An advanced registered nurse practitioner, osteopathic physician, osteopathic physician assistant, physician, or physician assistant must sign the medical order form along with the person identified on the form or the person's legal surrogate.

The Department is also directed to develop an education program for users of this medical order form.

The medical order form may be followed by other providers who are:

- an advanced registered nurse practitioner, naturopath, osteopathic physician, osteopathic physician assistant, physician, or physician assistant;
- a health care provider acting within the provider's licensed scope of practice and under the direction of an advanced registered nurse practitioner, osteopathic physician, osteopathic physician assistant, physician or physician assistant;
- a kidney disease treatment center and its personnel; and
- a health facility (such as hospices, hospitals, psychiatric hospitals, and nursing homes) and its personnel, health care facility (such as hospitals, state hospitals, nursing homes, or a clinic that is part of a community mental health service delivery system) and its personnel, or an adult home and its personnel.

Appropriation: None.

Fiscal Note: Requested on 1/17/08.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.